



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 08-484
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**APPLICATION OF MCI COMMUNICATIONS SERVICES INC. D/B/A
VERIZON BUSINESS SERVICES TO DISCONTINUE DOMESTIC
TELECOMMUNICATIONS SERVICES NOT AUTOMATICALLY GRANTED,
FURTHER COMMENT REQUESTED**

WC Docket No. 08-14
Comp. Pol. File No. 851

Comments Due: March 7, 2008

On January 2, 2008, MCI Communications Services Inc. d/b/a Verizon Business Services (Verizon or Applicant), located at **22001 Loudoun County Parkway, Ashburn, VA 20147**, filed an application with the Federal Communications Commission (FCC or Commission) requesting authority, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue the provision of a certain domestic telecommunications service in all 50 states, the District of Columbia, and Puerto Rico. By an amendment filed January 18, 2008, Verizon corrected certain deficiencies in its initial application and updated the record regarding notice to customers. By this Public Notice, the Wireline Competition Bureau announces that Verizon's application to discontinue service is not automatically granted.

In its application, Verizon indicates that it currently offers telex service in all 50 states, the District of Columbia, and Puerto Rico on a domestic interstate and an international basis. Verizon explains that this service allows subscribers to send real-time teletype messages. Verizon states that it plans to discontinue this service in all 50 states, the District of Columbia, and Puerto Rico on March 1, 2008, subject to Commission authorization.¹ Verizon maintains that there are several alternative providers of telex services in the United States. Verizon states that it mailed letters to affected customers to inform them of the proposed discontinuance on December 27, 2007, and that it subsequently mailed notice in compliance with section 63.71(a) of the Commission's rules on January 18, 2008. Finally, Verizon asserts that it is non-dominant with respect to the service it proposes to discontinue.

By Public Notice dated January 30, 2008, the Commission notified the public that, in accordance with 47 C.F.R. § 63.71(c), the application would be deemed to be automatically granted on the thirty-first (31st) day after the release date of the notice, unless the Commission notifies the Applicant that the grant will not be automatically effective.² Accordingly, the automatic grant date for Verizon's application would have been March 1, 2008.

¹ Discontinuance of international service is governed by 47 C.F.R. § 63.19.

² *Comments Invited on Application of MCI Communications Services Inc. d/b/a Verizon Business Services to Discontinue Domestic Telecommunications Services*, Public Notice, WC Docket No. 08-14, DA 08-267 (WCB Jan. 30, 2008).

The Commission will normally authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected. The Commission has received a comment in opposition to Verizon's proposed discontinuance, filed on behalf of Mr. Phillip Lynn Garrett of Telex Americas.³ Mr. Garrett primarily objects to Verizon's application on the grounds that Verizon's proposed discontinuance of telex services on March 1, 2008 will not allow sufficient time for alternative numbers to be implemented for end user customers in the shipping and maritime business. Mr. Garrett warns that premature discontinuance of Verizon's telex services would put these customers at risk for safe ship routing, for notification to shore of ship and crew emergencies, for transmittal of cargo loading and unloading instructions, and for notification of arrival and departure information, including compliance with all U.S. Coast Guard Notifications in order for the ship to enter U.S. water and ports.⁴ In its reply, Verizon maintains that new telex numbers can be rapidly activated and inexpensively broadcast to a customer's contacts by telex or fax.⁵ Verizon therefore submits that it provided customers with sufficient notice and that customers have had sufficient time to transition to another provider.⁶ Verizon also states that Mr. Garrett does not appear to be a subscriber of Verizon's telex service.⁷ Verizon further indicates that it recently learned that one of its telex subscribers may not have been mailed a written notification and that it is making arrangements with this customer to continue service.⁸

Where comments on a discontinuance application allege that the service has no reasonable substitute or that either present or future public convenience and necessity will be adversely affected, the Commission will scrutinize the discontinuance application, consistent with its statutory obligations.⁹ Because the record raises concerns regarding a potential loss or disruption of service to customers in a manner that may have implications for shipping safety, we find that the public interest will not be served by automatic grant of Verizon's application. Therefore, by this Public Notice, Verizon is notified that its application to discontinue domestic telecommunications services will not be granted automatically.¹⁰ We emphasize that our removal of Verizon's application from the automatic grant process should not be construed as a final determination on the merits of Verizon's request for authority to discontinue service.

³ See Objection to Section 63.71, January 2nd, 2008 Application of MCI Communications Services Inc. d/b/a Verizon Business Services to Discontinue the Provision of Service on March 1st, 2008, WC Docket No. 08-14 (Garrett Comments); see also Response of Mr. Phil Garrett, WC Docket No. 08-14 (Garrett Response).

⁴ See Garrett Comments at 1.

⁵ See Response of MCI Communications Services Inc. d/b/a Verizon Business Services, WC Docket No. 08-14 at 1, 3-4 (Verizon Reply).

⁶ Verizon Reply at 3.

⁷ Verizon Reply at 1.

⁸ Verizon Reply at 4, n.4.

⁹ See 47 U.S.C. § 214(a); 47 C.F.R. § 63.71; see also *Federal Communications Comm'n v. RCA Communications, Inc.*, 346 U.S. 86, 90 (1953).

¹⁰ See 47 C.F.R. § 63.71(c) ("The application to discontinue . . . shall be automatically granted on the 31st day . . . unless the Commission has notified the applicant that the grant will not be automatically effective.")

We seek further information on the unresolved issues in the record, and hereby request comments no later than March 7, 2008. In particular, we seek comment to clarify the existence, identity and status of the Verizon customers impacted by Verizon's proposed discontinuance and subject to the concerns raised in Mr. Garrett's comments. We also seek comment regarding any alternative discontinuance date that would be reasonable and in the public interest, taking into account the concerns in the record as well as Verizon's claim that the expense of maintaining telex service currently exceeds the revenue that it generates.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules, 47 C.F.R. §§ 1.1200-1.1216. Comments should refer to WC Docket No. 08-14 and Comp. Pol. File No. 851. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

Parties who choose to file by paper must send an original and four copies of the comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Two copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C140, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-1413, Attention: Carmell Weathers.

The application will be available for public inspection and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), carmell.weathers@fcc.gov, or Rodney McDonald, (202) 418-7513 (voice), rodney.mcdonald@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding section 214 please visit [**http://www.fcc.gov/wcb/cpd/other adjud**](http://www.fcc.gov/wcb/cpd/other_adjud).

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